

REMARKS AFTER JURY SELECTION

As you begin your service, I have several basic rules to review with you. It is important that you be fair and attentive throughout the trial. Do not discuss this case among yourselves or with anyone else. Do not permit anyone to discuss it with you or in your presence. Do not form or express any opinion on the case until it is finally submitted to you.

It may be difficult for you to understand why you may not discuss this case among yourselves until it is finally submitted to you. You will receive the opening statements and closing arguments of the lawyers, the testimony and exhibits, and the instructions of law from me. It would be unfair to discuss the case among yourselves before you receive everything necessary for your decision.

Do not talk with the lawyers, parties or witnesses during the trial. And these participants in the trial must not talk with you. (If anyone should attempt to discuss the case with you, report the incident immediately to my staff.)

You are required to decide this case based solely on the testimony and exhibits that are presented to you in this courtroom. You absolutely must not try to get information from any other source. This ban applies to information from family, friends, the internet, reference books, newspapers, magazines, television, radio, computers, Blackberries, iPhones, Smartphones, and any other electronic device. This ban also includes any personal investigation, visits to any site, talking to possible witnesses, reenacting any demonstration or incident, or any other act that would otherwise affect the fairness and impartiality that you must have as a juror.

This means you should exclude any misleading outside influences such as movie or television entertainment. These include popular TV shows such as Law & Order, Boston Legal, Judge Judy, or older shows like LA Law, Perry Mason, or Matlock, or any other fictional show dealing with the legal system. TV shows such as CSI and NCIS, which present the use of scientific procedures to resolve criminal investigations, may leave you with an improper preconceived idea about the legal system. You are not prohibited from watching these shows; however there are many reasons why you cannot rely on these shows, whose primary purpose is to entertain. These shows necessarily condense, distort, or even ignore many procedures that take place in real cases and real courtrooms. These shows simply cannot depict the reality of an actual trial or investigation. So please put aside anything you think you know about the legal system that is based on such shows.

Finally, you must not have contact with anyone about this case, other than me and my staff. This includes sending or receiving e-mails, twitter, text messages or similar updates, using blogs and chat rooms, Facebook, MySpace, LinkedIn, and any other web sites regarding this case during this trial. If anyone tries to contact you about the case, directly or indirectly, do not discuss the case. If any person persists, that could be jury tampering, which is a very serious crime. If anyone contacts you in this manner, promptly report this to me or my staff.

Until you retire to deliberate, you may not discuss this case with anyone, even your fellow jurors. Simply put -- “no discussion” means no form of communication. You must explain this rule to your family and friends. Until the trial is over, control your natural desire to discuss the case -- both here and at home.

Also avoid any news reports about the case -- no TV, radio, newspaper or computer stories. Walk away -- turn it off -- shut it down. Violating these rules may be cause for a new trial or may require a penalty of disobedience.

These instructions apply to you at each recess and throughout the trial. I will remind you to “remember the rules” instead of repeating them at each break.

You may take notes, as a memory aide, during the trial. No juror is required to take notes; this is a matter of personal choice. You are to keep your notes confidential and personal until your deliberations begin. After the trial, the notes shall be destroyed. You should not take notes if it will distract you from listening to the testimony and observing the witnesses. In other words, do not let note-taking interfere with your concentration on the testimony of witnesses or explanation of exhibits. Please leave notes on your chair at each recess. Carol will deliver them to you in the jury room, along with any exhibits admitted in evidence, when your deliberations begin.

Evidence comes to you by way of testimony and exhibits. Exhibits that are admitted into evidence go back with you for your further review in the jury room when it comes time to deliberate. However, testimony cannot go back with you. Please pay close attention to all testimony, as you should not expect to have testimony repeated. If you cannot hear testimony at any point during the trial, please raise your hand immediately so it can be repeated while the witness is still on the stand.

During the trial, there may be some “down time.” I do all I can to minimize such delay -- some are unavoidable. Feel free to bring your own reading material. We have some magazines in our jury room and out in the hall but, frankly, the selection is limited and not always current. You may find some newspapers in the courthouse library (fourth floor). There are also three computer terminals in our Jury Assembly Room (fourth floor) which you can use for checking e-mails or homework or business (remember -- no internet research on this case). Please share the computer time with your fellow jurors. Feel free to bring your own laptop if you have one -- we have wireless capability in the courthouse.

In the event you experience a personal problem, you may explain the matter to Carol. Please note the temperature of our courtroom and dress accordingly. It’s an older building and we do our best to regulate the temperature.

You may see lawyers or assistants or courthouse personnel come and go -- hopefully quietly and not disturbing our trial. This is not unusual. Do not let them distract you from the testimony.

You may bring a drink in the courtroom, but no eating, please. We shall agree on the next day’s starting time at the end of the previous day. If you have a watch, please match the time to the courtroom clock. Always wear your badges -- this will put others in the courthouse on notice not to talk with you.

Finally, when you come to the Court, please dress appropriately. No jeans, shorts or t-shirts; comfortable clothes, but respectful for our setting.

OATH